



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

---

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

March 15, 2021

**BY EMAIL and ECF**

The Honorable Richard J. Sullivan  
United States Circuit Judge  
United States District Court  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, New York 10007

Re: *United States v. Vilar and Tanaka*  
Case No. 05-CR-621 (RJS)

Dear Judge Sullivan:

The Government respectfully submits this letter pursuant to the Court's Order dated February 15, 2021 (Dkt. No. 934) directing the Government to report by March 15, 2021 on the results of discussions with the trustees (the "Trustees") of the Amerindo Advisors (UK) Limited Retirement Benefits Scheme (the "Benefits Scheme") and with James Stableford regarding potential settlement of their respective claims to the assets held in the Benefits Scheme account at JPMorgan (the "Benefits Scheme Account"). These assets are currently subject to forfeiture pursuant to the Second Preliminary Order of Forfeiture as to Substitute Assets entered by the Court on December 9, 2019 (Dkt. No. 848).

As the Court is aware, the Government has been engaged in discussions with counsel for the Trustees and Mr. Stableford, as well as with counsel for the defendants Vilar and Tanaka, who hold dual roles as trustees and beneficiaries of the Benefits Scheme. All parties are continuing to work towards both a resolution of their respective claims to the assets in the Benefits Scheme Account, and a broader resolution of the defendants' forfeiture and restitution obligations. Counsel for the defendants have indicated that they will be making a comprehensive offer of settlement after necessary consultations regarding the international tax and financial implications of the Government's settlement proposal and their intended counter-proposal, and will be able to present that offer to the Government by no later than March 22. Accordingly, the Government would respectfully request thirty more days to receive and evaluate that proposal and continue any negotiations that may be necessary and appropriate in light of the proposal.

Accordingly, the Government would respectfully propose that the Government report to the Court by April 14, 2021 on the results of the continuing settlement discussions with the Trustees, Mr. Stableford, and the defendants, and if those discussions have failed, on a proposed

schedule for the full litigation of the pending Petitions. Counsel for the Trustees, Mr. Stableford and the defendants consent to this proposal.

Respectfully submitted,


AUDREY STRAUSS  
United States Attorney

by: /s/  
Alexander J. Wilson  
Assistant United States Attorney  
(212) 637-2453

cc: All counsel of record (by ECF)  
Joanna Osborne (Joanna.Osborne@EdwinCoe.com)  
Alfred Heitkonig (alfredo@ahfs.biz)  
Lauranne Christov (laurie.christov@yahoo.com)

IT IS HEREBY ORDERED THAT the government shall report to the Court by April 14, 2021 on the results of settlement discussions with the Trustees, James Stableford, and Defendants, and if those discussions have proven unfruitful, on a proposed schedule for the full litigation of the pending Petitions.

SO ORDERED.  
Dated: March 15, 2021  
New York, New York

  
RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation